

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

REGINALD KELLY,	)	
	)	
Plaintiff,	)	No.
	)	
vs.	)	Judge
	)	Magistrate Judge
CITY OF CHICAGO,	)	
Chicago Police Officers	)	
DERONIS COOPER, Star 17206,	)	Jury Demand
MILTON SCOTT III, Star 18683,	)	
ERNEST TURNER, Star 20069,	)	FILED: OCTOBER 24, 2008
LAMONTE REED, Star 21774,	)	08CV6104
ROBERT BARNES, Star 20450,	)	JUDGE DOW
KEVIN WILLIAMS, Star 16339,	)	MAGISTRATE JUDGE COLE
SENORA BEN, Star 15021,	)	CH
ERNEST BELL (retired), Star 20318, and	)	
CONSTANCE BESTEDA, Star 20596,	)	
	)	
Defendants.	)	

**COMPLAINT**

1. This is an action for money damages brought pursuant to 42 U.S.C. § 1983.
2. Jurisdiction for Plaintiff's federal claims is based on 28 U.S.C. §§ 1331 and 1343(a).
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), in that the claims arose in this district as alleged below.

**Parties**

4. Plaintiff REGINALD KELLY ("REGINALD") is a resident of Chicago, Illinois.
5. Defendant-Officers are duly appointed and sworn Chicago police officers. At all times relevant to this Complaint, the Defendant-Officers were acting in the course and scope of their employment, and under color of state law, ordinance and/or regulation.
6. The Defendant-Officers are sued in their individual capacities.
7. Defendant CITY OF CHICAGO is a municipal corporation, duly incorporated under the laws of the State of Illinois, and is the employer and principal of the Defendant-Officers.

### **Facts**

8. On or about October 25, 2006, during the morning, REGINALD was in his home.
9. The police came to the door of REGINALD's home with an arrest warrant. The police knocked, and someone other than REGINALD answered the door.
10. Police officers entered REGINALD's home.
11. Police officers searched REGINALD's house. No contraband or evidence of criminal activity was found.
12. The police found REGINALD in a bedroom in the basement.
13. No one showed REGINALD any badges or told him they were police.
14. There were approximately eight officers at REGINALD's house.
15. REGINALD was handcuffed while he was on the bed.
16. REGINALD was cooperating.
17. The police told REGINALD, "You know what you did."
18. One police officer asked REGINALD, "Do you want to play stupid?" The officer then hit REGINALD on the head with a flashlight several times. This officer was tall, had a medium build and brown skin complexion.
19. The flashlight was long and black.
20. REGINALD was handcuffed.
21. The officer with the flashlight and two other officers slammed REGINALD against a wall several times.
22. The officers dragged REGINALD to the steps. The same officer who had struck REGINALD with a flashlight before, hit REGINALD again. The officer yelled at REGINALD, "Walk up the steps, you motherfucker."
23. REGINALD was dizzy from being beaten by the officers. He fell down and almost fainted.
24. Another officer grabbed REGINALD and picked him up.
25. The officers dragged REGINALD up the steps.
26. REGINALD was bleeding from his head.
27. The officers dragged REGINALD out of the house and put him in a police car.
28. REGINALD was told that he could make this easy or hard on himself, that it was time to tell the truth, and that he did "it."

29. REGINALD told the officers that he didn't do anything wrong.
30. REGINALD was taken to the police station and brought to an interrogation room.
31. REGINALD was questioned about the night of the incident for which the officers arrested REGINALD.
32. A female officer questioned REGINALD. An older, male officer was also in the room.
33. REGINALD explained everything that happened. The male officer jumped up and called REGINALD a liar and slapped REGINALD across the face with an open palm.
34. The forceful blow caused REGINALD to fall off of his chair. REGINALD got up and they started questioning him again.
35. The male officer told REGINALD that it was going to get even worse if REGINALD did not answer the way they wanted him to answer.
36. REGINALD told the officers that he was telling them what really happened.
37. The male officer hit REGINALD four or five more times. Then the male officer left the room.
38. The female officer said she was going to try to calm down the male officer. She was playing the "good cop."
39. At this point REGINALD was bleeding from his head and his hand. REGINALD asked to see a doctor several times.
40. REGINALD's repeated requests for medical care were denied.
41. REGINALD was at the police station from approximately 10 a.m. to 2 a.m. the next morning. REGINALD was denied food and water for the entire period of 16 hours.
42. REGINALD asked for water and food approximately ten times and was refused each time.
43. REGINALD asked for a lawyer during the interrogation. REGINALD was not permitted to call a lawyer and was told that he could have one when he went to "county."
44. The officer who hit REGINALD multiple times with the flashlight at REGINALD's house came into the interrogation room and asked REGINALD, "You remember me?"
45. REGINALD told the officer that he did remember him, "You just got through beating me at the house."

46. The officer told REGINALD, "Well, I'm going to beat you again."

47. The officer swung and hit REGINALD in the face. REGINALD tried to cover his face, and the officer hit REGINALD two or three more times.

48. The female officer pulled the officer away from REGINALD. She grabbed the officer and told him, "No, no, no, let me talk to him. I'm going to try to help him." Then she brought the officer out of the room.

49. The female officer told REGINALD, "It's time for you to just tell the truth now, because these guys are going to kill you. They hate people who rape people and you raped somebody. Right?"

50. REGINALD told the female officer, "No, I didn't rape anybody."

51. The female officer told REGINALD, "Well you raped someone and when you rape someone, these cops, they go crazy, because they have daughters."

52. REGINALD replied, "I have a teenage daughter myself."

53. The female officer continued to try to get REGINALD to confess to something he did not do.

54. Around 8 p.m., the police told REGINALD that if he took a polygraph test, they would give him food and let him go.

55. REGINALD agreed.

56. The officers drove REGINALD to 39th and Pershing where the lie detector test could be administered.

57. REGINALD took the test.

58. As the police were driving REGINALD back to the station, REGINALD asked, "Well, what's happening? How did I do?"

59. The female officer told REGINALD that deception was indicated.

60. REGINALD did not believe the officer and asked what answers indicated deception.

61. The female officer told REGINALD that they didn't really know which questions he failed and which questions he passed.

62. At the station, in the interrogation room again, the flashlight officer entered and told REGINALD that if REGINALD did not confess to rape, the officer would kill him.

63. REGINALD would not agree to sign the confession.

64. The flashlight officer pummeled REGINALD with his fists. REGINALD folded in two, trying to cover himself. The flashlight officer landed punches on REGINALD's face and the side of his head.

65. This beating happened a little before 2 a.m., which REGINALD figured out from seeing the clock when the police permitted him to use the bathroom.

66. At approximately 2 a.m., REGINALD was taken to booking where the lock-up keeper asked REGINALD if he wanted medical attention.

67. REGINALD asked to see a doctor.

68. The lock-up keeper told the officers to take REGINALD back upstairs and take him to the hospital.

69. The officers took REGINALD back upstairs and had him wait. Then an officer told REGINALD that he was not going to see a doctor and that they could have someone beat REGINALD some more.

70. The flashlight officer and another male officer entered the room and told REGINALD, "Look, we're going to take you down to booking one more time. If you refuse to go into booking, then we're going to come right back up to this room and deal with you."

71. The two officers took REGINALD down to booking for a second time. This time REGINALD refused medical attention, because he thought it best to heed the officers' threats of more beatings.

72. The lock-up keeper told REGINALD that he should really get some medical attention. REGINALD said to him, "If I go back up there, they're going to kill me. So, lock me up."

73. REGINALD was taken to Cook County Jail at approximately 9 or 10 a.m.

74. REGINALD was charged with aggravated criminal sexual assault. The case was docketed in the Cook County Circuit Court as: People v. Reginald Kelly, 06 CR 25625.

75. On January 23, 2008, REGINALD was found not guilty.

76. REGINALD was in jail for about 15 months, from October 26, 2006 through January 24, 2008.

77. Each individual Defendant-Officer acted willfully and wantonly, maliciously, and with a conscious disregard and deliberate indifference to REGINALD's rights.

78. As a direct and proximate result of the acts of the Defendants described above, REGINALD suffered damages including emotional distress, physical pain and suffering, and pecuniary damages including medical expenses, attorneys' fees, monies posted for bond, lost wages, property damage, and other damages.

**COUNT I**  
**(42 U.S.C. § 1983 – Excessive Force)**

79. REGINALD realleges paragraphs 1 through 78 as if fully set forth herein.

80. Defendant-Officers violated Plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of excessive and unreasonable force.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant-Officers,
- b) Award Plaintiff compensatory and punitive damages,
- c) Award attorneys' fees and costs, and
- d) Award any further relief that this Honorable Court deems just and equitable.

**COUNT II**  
**(42 U.S.C. § 1983 – Failure to Intervene)**

81. Plaintiff realleges paragraphs 1 through 78 as if fully set forth herein.

82. While Plaintiff was subjected to excessive force as described above, Defendant-Officers had an opportunity to intervene, but chose not to intervene.

83. Defendant-Officers were deliberately indifferent to Plaintiff's right to be free from excessive and unreasonable force.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant-Officers,
- b) Award Plaintiff compensatory and punitive damages,
- c) Award attorneys' fees and costs, and
- d) Award any further relief that this Honorable Court deems just and equitable.

**COUNT III**  
**(42 U.S.C. § 1983 – Civil Conspiracy)**

84. Plaintiff realleges paragraphs 1 through 78 as if fully set forth herein.

85. Defendant-Officers knowingly and intentionally schemed and worked together in a common plan to violate Plaintiff's constitutional rights.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant-Officers,
- b) Award Plaintiff compensatory and punitive damages,
- c) Award attorneys' fees and costs, and
- d) Award any further relief that this Honorable Court deems just and equitable.

**COUNT IV**  
**(Indemnification Claim pursuant to 745 ILCS 10/9-102)**

86. The acts of the Defendant-Officers described in the above claims were willful and wanton, and committed in the scope of employment.

87. Pursuant to the Illinois Tort Immunity Act, 745 ILCS 10/9-102, Defendant CITY OF CHICAGO is liable for any judgments in this case arising from the Defendant-Officers' actions.

WHEREFORE, Plaintiff asks that this Honorable Court order Defendant CITY OF CHICAGO to indemnify the Defendant-Officers for any judgment entered in this case arising from their actions.

**Jury Trial Demanded**

Respectfully submitted,

/s/ Daniel P. Kiss  
*Counsel for the Plaintiff*

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